APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,264	01/23/2002	David Henry Levy		8694

7590 08/20/2004		

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EXAMINER
ORTIZ, BELIX M

ART UNIT	PAPER NUMBER
2175	

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/053,264	LEVY, DAVID HENRY
	Examiner	Art Unit
	Belix M. Ortiz	2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-9* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *1/23/2002* is/are: a)☐ accepted or b)☒ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 3 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the drawings: figure 1, in page 6, characters "110-170" and "10", in page 6, and characters "180, 190, and 200", are not shown on the drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Specification

3. The word said or mean should not be used on the abstract. Appropriate corrections are required based on the guidelines provided below:

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space

provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gough et al. (U.S. patent 6,360,221) in view of Birrell et al. (U.S. patent 6,185,551).

As to claim 1, Gough et al. teaches a method for integrating a written communication means with a document generation means (see column 8, lines 47-50) including the steps of:

a) typing a predefined string of characters, by a user, into a document (see figure 3, characters 40 and 42; figure 11, character 1100; and column 4, lines 64-67);

b) recognizing the predefined string with a computer algorithm that opens a messaging window (see figure 2 and column 5, lines 45-54);

c) entering a query from the user into the message window regarding unknown information intended to be located at the location of the predefined string (see figure 3);

d) sending the query to a third party (see figure 3; figure 9, character 906; and column 7, lines 35-38);

e) receiving a response to the query (see figure 5); and

g) transposing the predefined string with a portion of the response in the event the response was accepted, not transposing the predefined string with a portion of the response in the event the response is rejected (see figure 5).

Gough et al. does not teach f) reading the response by the user for the purpose of the user accepting, or rejecting the response.

Birrell et al. teaches web-based electronic mail service apparatus and method using full text and label indexing (see abstract), in which he teaches f) reading the response by the user for the purpose of the user accepting, or rejecting the response (see column 5, lines 58-65).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Gough et al., to include f) reading the response by the user for the purpose of the user accepting, or rejecting the response.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Gough et al.</u> by the teaching of <u>Birrell et al.</u>, because f) reading the response by the user for the purpose of the user accepting, or rejecting the response, would enable the user to select the messages that want to read and to reject the messages that are not secure or from unknown receiver, that prevent the computer from message with virus.

As to claim 2, <u>Gough et al.</u> as modified teaches wherein step (f) further includes the purpose of modifying said response and wherein step (g) further includes the transposition of a modified response from step (f) with said predefined character string (see <u>Birrell et al.</u>, column 15, lines 3-10).

As to claim 3, <u>Gough et al.</u> teaches a system for integrating a communication means with a document generation (see column 8, lines 47-50) means including:

a predefined string of characters, the predefined string of characters to identify a user defined unknown (see figure 2);

a recognition algorithm to identify the predefined string as it is typed into a document disposed in an electronic format and on a first device (see figure 2; column 4, lines 64-67; and column 5, lines 45-54);

a query window generated in response to the recognition algorithm identifying the predefined string the query window to act as a receptacle for a set

of query data added by a user regarding the user-defined unknown (see figure 2

and 3 and column 5, lines 45-54);

a transmission means such that the set of query data may be read by a

third party at a remote location (see figure 3; figure 9, character 906; and column

7, lines 35-38); and

a retransmission means such that the third party may send a set of

response data, in response to the set of query data (see figure 5, where is read

on "forward and reply").

Gough et al. does not teach an acceptance filter such that the response

data may be analyzed by the user with the first device prior to transposing a

subset of the set of response data with the predefined string.

Birrell et al. teaches web-based electronic mail service apparatus and

method using full text and label indexing (see abstract), in which he teaches an

acceptance filter such that the response data may be analyzed by the user with

the first device prior to transposing a subset of the set of response data with the

predefined string (see column 3, lines 53-60; column 5, lines 12-18; and column

5, lines 58-65).

Therefore, it would have been obvious to a person having ordinary

skill in the art at the time the invention was made to have modified Gough et al.,

to include an acceptance filter such that the response data may be analyzed by

the user with the first device prior to transposing a subset of the set of response

data with the predefined string.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Gough et al. by the teaching of Birrell et al., because an acceptance filter such that the response data may be analyzed by the user with the first device prior to transposing a subset of the set of response data with the predefined string, would enable the user to select the messages that want to read and to reject the messages that are not secure or from unknown receiver, that prevent the computer from message with virus.

As to claim 4, Gough et al. as modified teaches wherein said message window includes: a context window, said context window to include a subset of said document physically proximate to a query locale as defined by the location of said predefined string (see Gough et al., figure 2).

As to claim 5, Gough et al. as modified teaches wherein said third party may modify said context window and said user may accept said modification as said subset of said set of response data (see Birrell et al., column 15, lines 3-10).

As to claim 6, Gough et al. as modified teaches wherein said user may modify said subset of response data before said predefined string is replaced with it (see Birrell et al., column 15, lines 3-10).

As to claim 7, <u>Gough et al</u>. as modified teaches the system further including a second device, disposed at a second remote location, upon which said user receives said set of response data and a second retransmission from said second device to said first device (see <u>Gough et al</u>., figure 1 and figure 13).

As to claim 8, <u>Gough et al</u>. teaches a system for integrating a communication means with a document generation (see column 8, lines 47-50) means including:

a predefined string of characters the predefined string of characters to identify a user defined unknown (see figure 2);

a recognition algorithm to identify the predefined string as it is typed into a document disposed in an electronic format and on a first computing device (see figure 2; figure 11, character 1100; and column 4, lines 64-67);

a set of context data extracted from text disposed proximate to user-defined unknown (see figure 3 and 8);

a transmission means such that the set of context data may be received by a second computing device and associated database at a remote location (see figure 1 and 13); and

a search means disposed on the second computing device to find an answer to the user defined unknown from the associated database utilizing the set of context data (see figure 1, 2 and 3).

Gough et al. does not teach a retransmission means such that the answer may be sent to the first computing device such that the answer may be transposed with the predefined string.

Birrell et al. teaches web-based electronic mail service apparatus and method using full text and label indexing (see abstract), in which he teaches a retransmission means such that the answer may be sent to the first computing device such that the answer may be transposed with the predefined string (see figure 5 and 13).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Gough et al., to include a retransmission means such that the answer may be sent to the first computing device such that the answer may be transposed with the predefined string.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Gough et al. by the teaching of Birrell et al., because a retransmission means such that the answer may be sent to the first computing device such that the answer may be transposed with the predefined string, would enable the user to answer to accepted message from the predefines string. The user doesn't have to rewrite the destination of the message received.

As to claim 9, Gough et al. as modified teaches the system further including an acceptance filter such that said answer may be analyzed by said

user prior to permanently transposing said predefined string with said answer

(see Birrell et al., column 1, lines 31-36).

Conclusion

7. Any inquiry concerning this communication or earlier communications

from the examiner should be directed to Belix M. Ortiz whose telephone number

is 703-305-7605. The examiner can normally be reached on moday-friday 9am-

5pm.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax

phone number for the organization where this application or proceeding is

assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application

or proceeding should be directed to the receptionist whose telephone number is

703-305-3900.

bmo

July 9, 2004.

C. Rones

CHARLES RONES
PRIMARY EXAMINER